

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

PEDRO ROSSELLO, et al.,

Plaintiffs,

v.

BROWN & WILLIAMSON, et al.,

Defendants

CIVIL CASE NO. 97-1910 (JAF)

**MOTION INFORMING MEDICAL LEAVE
AND
REQUEST FOR AUTOMATIC EXTENSION**

TO THE HONORABLE COURT:

COME NOW Subsequent Participating Manufacturers Liggett Group LLC, Commonwealth Brands, Inc., Compania Industrial de Tabacos Monte-Paz, S.A., Daughters & Ryan, Inc., Farmers Tobacco Company of Cynthiana, Inc., House of Prince A/S, Japan Tobacco International U.S.A., Inc., King Maker Marketing, Inc., Kretek International, Inc., Liberty Brands, LLC, Peter Stokkebye Tobaksfabrik A/S, P.T. Djarum, Santa Fe Natural Tobacco Company, Inc., Sherman's 1400 Broadway N.Y.C., Inc., Top Tobacco, L.P., Vibo Corporation d/b/a General Tobacco, Virginia Carolina Corporation, Inc., and Von Eicken Group (collectively, the "Joining SPMs"), through their undersigned counsel, to make the following request:

1. On December 12, 2006, the undersigned is scheduled to undergo laparoscopic gallbladder surgery.
2. Recovery is expected to last at least until December 22, 2006 and could last until mid-January, should the surgeon opt to perform open gallbladder surgery.

3. In any event, the undersigned intends to take a medical/personal leave of absence until January 8, 2007.
4. In view thereof, the undersigned gives notice to the court and to counsel that I will not be available to attend meetings, hearings or otherwise participate in these proceedings until January 8, 2007 and respectfully requests that any hearing be scheduled after said date.
5. Because of the above-stated extraordinary circumstances, the undersigned also respectfully requests an automatic extension of time up to January 8, 2007 to respond to any substantive motions that may be filed during my leave.
6. No memorandum of law is filed because none is deemed necessary.

WHEREFORE, it is respectfully requested from this Honorable Court to:

1. Note that the undersigned will be absent on medical leave commencing today and until January 8, 2007;
2. That any hearing be scheduled after said date; and
3. Grant an automatic extension of time until January 8, 2007 to respond to any substantive motions that may be filed during said leave.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 8th day of December, 2006.

s/ Russell A. Del Toro
Bar Number 121302
DEL TORO & SANTANA
Plaza Scotiabank, 6th Floor
273 Ponce de Leon Avenue
San Juan, Puerto Rico 00917-1902
Tel: 787-754-8700
Fax: 787-756-6677
E-mail: rdeltoro@dtslaw.com

Of Counsel

Robert J. Brookhiser
Elizabeth B. McCallum
HOWREY LLP
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004
Tel. (202) 783-0800
Fax. (202) 383-6610

*Attorneys for Certain Subsequent Participating
Manufacturers*

Commonwealth Brands, Inc.
Compania Industrial de Tabacos Monte Paz,
SA
Daughters & Ryan, Inc.
Farmers Tobacco Co. of Cynthiana, Inc.
House of Prince A/S
Japan Tobacco International U.S.A., Inc.
King Maker Marketing, Inc.
Kretek International, Inc.
Liberty Brands, LLC
Liggett Group LLC
Peter Stokkebye International A/S
P.T. Djarum
Santa Fe Natural Tobacco Company, Inc.
Sherman's 1400 Broadway, N.Y.C., Inc.
Top Tobacco, L.P.
Vibo Corporation d/b/a General Tobacco
Virginia Carolina Corporation, Inc.
Von Eicken Group

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 8th, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Benjamin Acosta, Jr., Salvador Antonetti, Francisco A. Besosa, Heriberto J. Burgos-Perez, Edgardo Cartagena Santingo, Jose A. Fuentes-Agostini, William A. Graffam, Gina Ismalia Gutierrez-Galang, Manuel A. Guzman Rodriquez, Paul H. Hulsey, Juan A. Ramos Diaz, Hector Reichard Jr., Vicente Santori Coll, Richard Schell Asad and Eric A. Tulla. Notice will be served by regular mail to the following non registered attorneys:

Roberto J. Sanchez Ramos
Office of the Attorney General
Department of Justice
P.O. Box 9020192
San Juan, PR 00902

Scott C. Linden
Adam E. Miller
Michael B. Minton
William Newbold
Carl Rowley
Thompson & Coburn
One Mercantile Center
St. Louis, MO 63101

Lee E. Young
Charles J. Mikhail
Ness, Motley, Loadholt, Richardson & Poole
151 Meeting St., Suite 600
PO Box
Charleston, SC 29402

Peter Bellacosa
Kirkland & Ellis
153 E. 53rd Street
New York, NY 10022

Frederick C. Baker
J. Anderson Berly
Jerry Hudson Evans
W. Michael Gruenloh
Charles J. Mikhail
Ronald L. Motley
Ness, Motley, Loadholt, Richardson & Poole
28 Bridgeside Blvd. Suite 400
PO Box 1792
Mount Pleasant, SC 29465

Vincent Chang
Davis Polk & Wardwell
450 Lexington Avenue
New York, NY 10017

Michael S. Chernis
Alan Kaufman
Robery Gaffey
Kristi L. Midbow Miller
Jones Day, Reavis & Pogue
599 Lexington Ave.
New York, NY 10022

Julie R. Fischer
Aaron H. Marks
Marie V. Santacroce
Kasowitz, Benson, Torres & Friedman, LLP
1301 Avenue of the Americas
New York, NY 10019

Robert F. McDermott, Jr.
Jones, Day, Reavis & Pogue
Metropolitan Square
1450 G Street, NW
Washington, DC 20005

Andrew T. Frankel
David M. Moss
Demetra Frawley
Kathleen L. Turland
Mark G. Cunha
Simpson, Thacher & Bartlett
425 Lexington Ave.
New York, NY 10017

Douglas W. Davis
Jack E. McClardy
Robert R. Merhige
Hunton & Williams
Riverfront Plaza East Tower
951 East Byrd St.
Richmond, VA 23219

Attorneys for RJ Reynolds Tobacco Co.
Douglas G. Smith
Salvatore F. Bianca
Kirkland & Ellis LLP
Aon Center
200 East Randolph Drive
Chicago, IL 60601
Tel: 312-861-2000 / Fax: 312-861-2200

In San Juan, Puerto Rico this 8th day of December, 2006.

s/ Russell A. Del Toro
USDCPR 121302
DEL TORO & SANTANA
*Attorneys for Certain Subsequent Participating
Manufacturers*
Plaza Scotiabank, 6th Floor
273 Ponce de Leon Avenue
San Juan, Puerto Rico 00917-1902
Tel: 787-754-8700
Fax: 787-756-6677
E-mail: rdeltoro@dtslaw.com